

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELVIN GENAO,

Plaintiff,

-against-

ASST. D.A. PATRICIA J. BAILEY; ASST.
D.A. MENA BESHAY,

Defendants.

20-CV-2837 (CM)

ORDER OF DISMISSAL
UNDER 28 U.S.C. § 1651

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff brings this action *pro se*. He has not paid the relevant fees to bring this action or applied to proceed without prepayment of fees, that is, *in forma pauperis* (“IFP”). By order dated June 5, 2019, the Court barred Plaintiff from filing any new civil action in this Court IFP without first obtaining from the Court leave to file. *See Genao v. Saint Pauls Church*, ECF 1:19-CV-2704, 6 (S.D.N.Y. June 5, 2019). Because Plaintiff has not paid the relevant fees, it appears that he wishes to proceed IFP. Plaintiff has not sought leave to file this action, and the Court therefore dismisses this action without prejudice for Plaintiff’s failure to comply with the June 5, 2019 order.

The Court directs the Clerk of Court to mail a copy of this order to Plaintiff and note service on the docket.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: April 8, 2020
New York, New York



COLLEEN McMAHON
Chief United States District Judge